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Notice of Allowability

Application No.

10/820,244

Examiner

Michael P. Nghiem

Applicant(s)

HERRMANN ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 27 September 2007.
2. ☒ The allowed claim(s) is/are 1-7, 14-16, 18 and 19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Mr. Thomas Menard during a telephone interview on October 10, 2007.

The application has been amended as follows:

In the drawings:

Fig. 1, insert displacement -- A -- and broadening -- B -- of the resonance curve (see attached proposed drawing changes).

Reasons For Allowance

The **combination** as claimed wherein a method and system of determining the mass of portioned units of active substances comprising determining the mass M is determined, with compensation of the influence of the moisture and by means of a mathematical combination of the two measured variables, which comprises a linear expansion of M with respect to A having first and second coefficients k_1 , k_2 , each of the coefficients k_1 , k_2 representing a linear expansion with respect to F , where

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$F=B/A$, and sorting the portioned units according to their mass M (claim 1) or the devices for guiding the units of active substances have an endless belt with depressions, into which the units of active substances are inserted (claim 18) the devices for guiding the units of active substances have a circular disk, on the circumference of which the units of active substances are held firmly with the aid of vacuum (claim 19) is not disclosed, suggested, or made obvious by the prior art of record.

The following references were cited in the search report filed on April 6, 2004.

Kraszewski et al. ("Contactless Mass Determination of Arbitrarily Shaped Objects by Microwave Resonator Measurements") discloses determining the weight of small nonmetallic objects being manufactured or tested (Summary, lines 1-2). However, Kraszewski et al. does not disclose determining the mass M of each object from the displacement A of the resonant frequency and the broadening B of the resonance curve caused by presence of each object in the microwave field.

Gamberini (US 5,515,740) discloses a machine for dosing pharmaceutical product into capsules (Abstract, lines 1-2). However, Gamberini does not disclose determining the mass M of each capsule from the displacement A of the resonant frequency and the broadening B of the resonance curve caused by presence of each capsule in the microwave field.

Kraszewski (US 5,554,935), Herrmann et al. (US 6,837,122) (US equivalent of DE 201 19 344), and Mayer et al. (US 5,602,485) have been cited on record.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL NGHIEM
PRIMARY EXAMINER**

Michael Nghiem

October 10, 2007

